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decoding the detected relative position data by selecting one of the relative positions represented in the detected relative position data based on the [variable-speed] command to reproduce the at least another specific data.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-58 are pending. Claims 23, 25, 33, 34, 42, 52 and 53 have been amended.

The amendments to claims 23 and 42 eliminate a redundant recitation because the detected specific data is included in the digital video data being recorded. The amendment to claim 25 corrects a typographical error. The amendments to claims 33, 34, 52 and 53 eliminate the unduly restrictive characterization of the command being received.

The Examiner objects to the Reissue Declaration for failing to identify the foreign application on which priority is being claimed. Furthermore, the Examiner rejects claims 1-58 as being based upon a defective Reissue Declaration for this reason. Applicants have submitted a copy of an unexecuted Supplemental Reissue Declaration concurrently with this amendment. Applicants are still in the process of obtaining execution of the

document, but expect to file the executed Supplemental Reissue Declaration in the near future. The Supplemental Reissue Declaration overcomes the deficiencies in the originally filed Reissue Declaration. Applicants respectfully request that the Examiner withdraw his objection to the Reissue Declaration and rejection of claims based thereon.

Upon receipt of an indication from the Examiner that the Reissue application is in condition for allowance, Applicants will surrender the original Letters Patent.

Applicants note with appreciation the Examiner's indication that claims 1-22 are allowed. The Examiner also indicated the allowance of claims 24-27, but this has been treated as an error because the Examiner specifically rejected these claims in the art grounds of rejection discussed below.

Claims 23-58 stand rejected under 35 U.S.C. §103 as being unpatentable over Naimpally in view of Enokida and Yuen. Applicants respectfully traverse this art grounds of rejection.

The Examiner correctly notes on page 4 of the June 29, 1999 Office Action that Naimpally does not disclose or suggest "a data generating circuit ... generating a plurality of relative position data, each of the plurality of relative position data indicative of a plurality of relative positions from a current specific data location to each of a plurality of consecutive specific data locations," and "a recording unit ... recording the digital video data and the

plurality of relative position data on a digital medium," as recited in claim 23. The Examiner, however, asserts that in Figs. 8-11B and columns 10-12 Enokida teaches the above cited claim limitations, and that it would have been obvious to one skilled in the art to have combined the teachings of Enokida with Naimpally.

Applicants respectfully submit that one skilled in the art do not have combined the teachings of Enokida with Naimpally. Furthermore, even assuming such a combination, the claims of the subject application do not read on the resulting art combination.

As shown in Fig. 8, Enokida discloses a moving image processing apparatus including a first disk 125 and a second disk 122. As disclosed in column 11, lines 5-17, the second disk 122 stores administrative information 60 corresponding to the moving image data 65 stored by the first disk 125. As shown in Fig. 10, the administrative information stored in disk 122 includes offset data identifying the position of intra-frames in the moving image data. As taught in column 12 of Enokida, during a fast playback mode, the offset data in the second disk 122 is used to access the intra-frame data in the first disk 125 for reproduction.

In contrast to the fast playback technique taught by Enokida, Naimpally teaches a recording format, as shown in Fig. 6 which eliminates the need for identifying the position of data for reproduction during a fast playback mode.

In Naimpally, compressed video data is decoded and filtered to obtain the low frequency portion of this data. The low frequency data is intra-encoded and recorded at predetermined intervals in each track on the recording medium (see reference numerals 512, 620, 622, etc.). Prior to each low frequency segment, a header is recorded identifying the next segment as a low frequency segment. During reproduction, only the low frequency data is reproduced in a fast playback mode. The low frequency information for reproduction during the fast playback mode is identified by the header preceding each low frequency segment. Accordingly, Naimpally eliminates the need for determining the position of the data for fast playback, thereby increasing the access speed of this data.

One skilled in the art would not have been motivated to destroy the recording format carefully constructed by Naimpally to use the less efficient accessing technique discussed above with respect to Enokida.

Furthermore, if one skilled in the art were to adopt the teachings of Enokida with Naimpally, this would require the use of a second recording medium in which to store the administrative data. Enokida makes it abundantly clear throughout his specification that the moving image data and the administrative data corresponding thereto must be stored in separate recording devices. One skilled in the art would also not have found it obvious to have combined the teachings of Enokida with Naimpally because of the

added complexity and expense of adding an extra recording device and associated circuitry to Naimpally.

Even assuming one skilled in the art did combine the teachings of Enokida with Naimpally, because the administrative data would be stored in a separate storage device, the resulting art combination cannot disclose or suggest a recording unit "recording the digital video data and the plurality of relative position data on a digital medium," as recited in claim 23. For similar reasons, the resulting art combination also fails to disclose or suggest a reproducing unit "reproducing digital data stored on a digital medium, the digital data including a plurality of specific data and a plurality of relative position data, each relative position data indicative of a plurality of relative positions from a current specific data location to each of a plurality of consecutive specific data locations," as recited in claim 33.

For the reasons set forth above, claims 23 and 33 are not rendered obvious to one skilled in the art by Naimpally in view of Enokida. Independent claims 42 and 52 include similar limitations to those discussed above with respect to claims 23 and 33, respectively, and are therefore, patentable at least for the reasons discussed above with respect to claims 23 and 33.

The Examiner relies upon the Yuen patent only in the rejection of claims 26 and 45. From even a cursory review of this patent, it is clear that Yuen does not overcome the disclosure and suggestion deficiencies discussed above

with respect to Naimpally and Enokida. Therefore, claims 23, 33, 42 and 52 are patentable over Naimpally in view of Enokida and Yuen.

The claims dependent upon claims 23, 33, 42 and 52 are patentable for the reasons stated above with respect to these independent claims as well as on their own merits.

Furthermore, with respect to claim 24, as discussed above Naimpally receives compressed video data, and encodes and filters the compressed video data to obtain low frequency data. The low frequency data is then intra-encoded for recording. Naimpally does not disclose or suggest detecting specific data from the received digital video data wherein the specific data is I-frame data, as recited in claim 24. There is no disclosure or suggestion of this detecting in either Enokida or Yuen as well. Therefore, claim 24 is patentable over Naimpally in view of Enokida and Yuen. For similar reasons, claim 43 is likewise patentable.

In view of the above, Applicants respectfully request that the Examiner withdraw the art grounds of rejection.

This application is believed to be in condition for allowance. A favorable action in the form of a Notice of Allowance is earnestly solicited.

In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Gary D. Yacura (Reg. No. 35,416) at (703) 205-8071 to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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